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ALEXANDER L. STEVAS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

1981 TERM

No. 81 - 5143

MILLICENT LINDEN,

Zppellant,

- v. -

DIAL PRESS & OGLA LEY

HARPER & ROW PUBLISHERS, INC.

ST. MARTIN'S PRESS & SIDI HESSEL

ON APPEAL FROM THE U.S. COURT OF APPEALS FOR THE 2nd CIRCUIT & THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF N. Y.

APPELLANT' AFFIRMATION IN OPPOSITION TO MOTION TO DISMISS OR AFFIRM BY APPELLE:

ST. MARTIN'S PRESS & SIDI HESSEL

Millicent Linden
500 East 74th Street
New York, N.Y. 10021

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APPELLE'S MOTION TO DISMISS OR AFFIRM BY
DEF. ST. MARTIN'S PRESS & SIDI HESSEL

In the matter of LINDEN v. ST. MARTIN'S PRESS & SIDI HESSEL, THE ESSENTIAL issue is that appellant herein claimed the established right to present new evidence on the contentions in the COMPLAINT and for the following facts:

- denial of scientific and technical support
- bias of the bench documented in the court notes of the proceedings, especially in the charge to the jury over appellant's objection to misinformation of known facts
- pressure from the bench to rush through proceedings
- appellee's eminently apparent persistent referral to other actions irrelevant to the instant issues to prejudice the sitting court with bias
- sitting bench denied permission to appeal in Forma pauperis the action begun in Forma Pauperis
- sitting bench demanded remittance of sppellee's Examination Before Trial demandeded appelle of $FOUR-HUNDRED DOLLARS AND COURT COST OF TWENTY DOLLARS with the full knowledge of Forma Pauperis status, appellant's total lack of funds and physical disability from injuries
- appeals court denied appeal in Forma Pauperis
- U.S. District court denied new action with new evidence

The instant motion to dismiss or affirm by appelle ST. MARTIN'S PRESS pursues the similar pattern of relying upon bias and prejudice meted out from the benches in again making reference in the asterisk note on the bottom of the first page to other copyright actins with entirely different contentions, such as that against DIAL PRESS as having been denied the right to rest the case and rebut [illegible] motion to dismiss and in the HARPER & ROW suit hhe issue hha of denial of ruling on COMPLAINT.

The common thread among the three appelles is that of PRO SE PREJUDICE, admitted by each of them, to the extent that prior counsel in the Dial Press matter stated before Magistrate Sinclair in the U.S. DIstrict court that the only reason a settlement offer was not made was because appellant is pro se.

It is a fact of human affairs that original, new, unfaMiliar programs and concepts encounter the law of inertia, nothing will move without the leverage to move the object or force or means to do so and appellant could not find without funds representation to agreeto expend the time required to absorb new matters, most especially where the elusive, known unknowns of the human anatomy by professionsls, and with the prevalent predliection of the self-proclaimed superiority of human intellect over forces of life in nature at alarge, in the example of the isttinG bench herein who alleGed falsely to the jury that there is a limited amount of desiGns for a proGram in orGanized techngies of human physical developement. Without the permission to disporve the alleGation, the forces of unknowns remain a threat to appellant and to human proGress. Examplesz are endless of the resistant acceptance that human bodies are susceptible to laws of physics that are readily applied to inaniate objects such as space ships, jet planes, attombbilees, jackhammers, pulling a nail out oft wood with a claw hammer, etc., the most recent of which is the professional engineer with a major orGanization and international headquarters who, when told that ALL LIFT STEMS FROM THE CONCAVE CURVE, denied the fact with a semantical contention that LIFT IS GENERATED FROM THE CONCAVE CURVE, such as is nees in the winGs of a plane, and then asked how that is practical for human form, and that human form traditionally, currnntly, historically, patterns dsiens for human motion and efficiency of function by the body on the exact opposite of the concave curve direction, form and desiGn, employing always the CONVEX curve, form and desiGn. Even defense attorney during the time of takinG demanded EBT in his office in a spontaneous biological action of STRETCHING, stretchinG his body, moved in the CONVEX form, the relentless questioninG while appellant had to stand unable to sit due to injury to the pelvis and mandibular joints, and could only

get through the tortuous ordeal with appellant's findings in the original designs now purloined without comprehension by anyone involved herein, having had proof with time of the commercial value, and included with incompatiable traditional concepts. Defendant's counsel in responding to biological act of stretching was also responding to the anthropological facts of the worldwide lordotic convex curvature, that hhe human species is but one minute old and the only species to have an "S" curve to the vertebral column, which makes appellant's designs that much more original as they do not even exist in nature in contemporary times. Defendant-publisher stated in writing at the time of submission of the first publication WHY YOU SHOULD NOT EXERC ISE independnetly printed by appellant, and thenext manuscript TENSION-in-REPOSE that hhe reason appellant's works were rej4cted by both times was because they had "wxercise" books and believed in exercise. Now, with the unprecedented effects and results of the new program, TENSION-in-REPOSE and original designs therein, still unable to relinquish traditional concepts of "exercise" and convex dorm and deisngs, dare to combine the ibcompati le and incomprehnsilbe to the infringers, to the detriment of these with the right to know, the need to know, and to know with he full integrity intended with the full program witout the assault of the incompatible "exercie" impositions of force contrived by human deivsement and devoied of fundamental laws of harmony inherent inphysics, engineering, architecture, Geometry, etc, not in spearate categories, but in synthesized organized, parctical simple application.

What springs forth from defendant-herein allegations is that were the personage at the time of the proclamatin by Columbus that the earth is reund and the time of Galileo that the earth revolves around the sun, and the attitude of the benches at the time of proceedings upholding such allegations of "limitation of designs" and "believe in exercise", no one human being could ever be the recipient of new findings, new beneifits from the legacies in natural forces made practical for human consumption; the earth would still be considered "flat", as flat as the prevalent notion

of presenting a flat human bqck against a flat wall, bending backward in a maner to break the spine rather than to protect it, opposite from the pattern of the sphere of the earth, the concave form shunned in all of history, and the facts of how nature arrived at the upright posture would be lost, certainly, no defendant could grasp the comprehension of the precepts upon which TENSION-in-REPOSE is based, only that here are unprecedented results and the treaement of the designs proves that lack of comprehension and the most cursory glance at the deigns proves infingement; that the bench showed outright bias reflected the benches onw human property to e unable to absorb new matters in a matter of several hours when it is known that time is an essential in absorbing new facts for human consumpton, and the attitude reflecte d in the engieer's lack of comprehending the lift in the concave curve for human consumption AS IT is in effect for inanimate objects, a reflection of attitude of human intelligence and human subjectivity being beyond the succeiptiblity of the forces in nature at large at rowk on thehuman form as it is in non-human forms.

Thus, appelle herein, on the first page alleges that:

> "..it is manifest hat he qeustions on which the decision of this cause depend are so insubstantial as not to need further arguement.."

Such an allegation by appelle is the very one that would have deterred Columbus and Galileo and had such a stand been allowed to stand without forces resisting the intractable, intransigent obstinacies, adhering to long-held concepts without investigatin as to their true worth and merit, no new woeld would have een discovered and no space probe wold have been possible, respectively to Columbus and Galileo.

As Leonardo da Vinci wrote in his NOT#EBOOKS:

> "You can have neither a greater nor less dominion than that over yourself."

Without some equal concern and new findings for the human form as attended to external forms of exploration, such as the form of the earth and the form of the solar system, no new discoveries outside of the human body would have any falue, should the human spetces concentrate only an means of annilihation.

It is apparent that appelle has no arGment to appellant's contentions, for it is appelle who sought to deter appellant by demandinG that huGe sum, FOUR HUNDRED AND THRITY_NINE DOLLARS for EBT and court costs, upheld and denied appellant's objection by the bench, the bench who went so far as to demand immediate remittance knowinG appellant is without means, injured and no independent source of income eyond disability allowance for mere existence. Such tactics more than border and curel and unsusal punishement for no other action than appellant's daring to Go beyond traditional concepts and objectinG to the purloinment of thoseoriGinal desiGns when years proved their efficacy and commercial value with defendants rejectinG the oriGinal source, from the appellant thruGhout the years, 20 df them.

November 16, 1980, the N.Y. Times reported that this Court reversed a decision of the lower court demandinG FOUR HUNDRED DOLLARS from a defendant appearinG pro se and defeated. (Copy annexed herein) The alleGation was made as appelle makes herein, that the plaintiff's case was frivolous, unresonable and without foundation".

Well, the most cursory examination of the facts incontention demonstrate byond doubt hat here is no Ground for anythinG "frivolous" or "unresonable" and that there is more than plenty "foundation". The fact is that defendant-appelle lacks arGuement to appellant's contentions and arGuements, unable to respodd to the issues as stated, makinG no reference to them at any time, and in the asence of arGument resorts to the known bias of the bench and drains it o hhe hilt, and to this appellant makes strmuous objection because there ismore to thematter than appellant's cause, there is national and internatonal siGnificqnce.

Appellant appeared at Natinal Aeronatuics and Space Administration 10 days after the first moon landinG at the invitaiton of the meidcal director, General J.W. Humphreys at 600 Independence Ave. S.E. on AuGust 1, 1969. Appellant Gave demonstration and scientific and tenchnical foundation to TENSION-in-REPOSE. All of those present, more than a dozen "key, io0meidcal staff" from across the countey, acknoweldGed

the unprecedented effects of the original T-in-R deisgns upon their persons, and it was suggested that Dr. Louis Arnoldi undertake investigation of the program.

All present participated in the performance of T-in-R, but one who remained at the long conference table to watch. After all present noted vulnerable locations such as the cervical area, including the youngest wih the middle aged, that hey all felt as though it were a fresh Monday morning start instead of the end of the week, Friday afternoon and the tail end of the harrowing days of the first moon landing.

A month later Dr. Arnoldi declined, pleading out-of-touwn work, and General Humphreys writing to say that only scientifically controlled studies of new procedures couldbe considered; appellant had no independent means to do so and no one willing to undertake a new program that would displace the on-going, personal projects.

The one sicneitist who sat at he conference table and did not participate asked at he end of the session "What is the purpose of T-in-R?" Appellant repled that it was to make he individual independent of the environment, to which the scinetist replied with themost eleoquent silence.

From that date to this date, 1969 to 1981, the problem of prolonged space flight remains; astronauts, both American and Russion, experience vertigo, arythmia, constipation, loss of calcium, etc.

The wehll is considered man's Greatest invention; THERE ARE NO WHEELS IN NATURE.

In technology, simplicity is the ultimate sophistication. The wheel is just round, and it is flat. The human concept is capable of taking in what is round and familiar to what is flat.

The three diminsional sphere is seen in the space xploration, but it is not comprehended. Gravity is accepted, but Einstein said that here is no Gravity, and Princeton has proven out each of Einstein's findings to date, such as that space curves in on it self well into distance in space, but has not yet undertaken

the Gravity claim by Einstein. It is the Greatest challenGe in human history. There are no mysteries in nature, there are only facts of human iGnorance to nature's simple techniques.

The simplest and themost obvious and the most overlooked is that of the three-dimenSional sphere, full of concave curves in total delicate qequilibrium; the concave curve is the aGent that distributes everythinG equally, whether it is a Gas such as oxyGen, or pressure, or material substance, and only with equali distribution can there be equilibrium and all mnner of deGrees of balance, ut it must be enGaGed tethin the full form of the pshere which ienGaGes the fullness of the object, planet or body in order to be WHOLE and only in wholeness can there be direct and indirect effect upon he internal parts.

This concept provides answers to the problem of Gravity, for it is within the properties of the whole, the concave curves, that hhe so-called "Gravitational force" is interacted to be absorbed within the Greatest force of all, the WHOLE IN EQUILIBRIUM, vihin which the concave curve Gmakes precilson anGulation possible for all parts and provides mutual support to enGender the lift known to be within theproperty of the concave curve, but the aGent of lifé is lost if it is not conceived within the concept of the whole so that witin that pattern, the anGulation may reach into the central core of the material substance, moon, or sun or human form, as seen in the unborn life and the act of love, but shunned worst thaé hhe plaGue in the contrived devéGements of human self-care, despite the fact that babies until one year and all animals resort to it; the countless world of books do not carry that performance by animals nor by babies, and the only picture possible was done personally by a staff member of the U.S. Department of Agriculture at the time of the first publication by appellant. The act is spontandous and deniGrated as insiGnificant; insiGnicant to those who deem only human contrivances for human consumption to be the ultimate self-care.

How can any of the above lightly touched discussion on Gravity, concave curves, space travel prolonGed for astronauts, and unendinG dividends for earthlinGs e matter of beinG "frivolous", "without substance" "unresonable" "to need no further aruGment?"

as alleGed by appelle herein? And contrary to further alleGation by appelle herein, the court of appeals deneid appellant the right to appeal in Forma Pauperis, no opinion was rendered as to the question "..souGht to be reviewed.. to affirm the judGement of the Court of Appeals for the Second Circut..so insubtantial as not to need further arGument..frivoloun, unreasonable.." etc. The courts, neither the appeals court nor the district court wrote any opinion on the issues and the appeals court made no such comment beyond the denial of Forma Pauperis.

AuGust 14, 1981, the New YorkTimes reported the followinG:

"IHRISDICTION is theGal jarGon for the power to decide cases"

Appellant's case herein and others in the joint appeal have not any of them been decided by leGal due process, the liberty to redress of Grievances on the basis fo the merits of the issues as none of the issues have ever been takenup by any bench at any time. This is a fact proven in all the records, records that are public facts now, in that no one defendant no one court ever made response to the arGuments submitted by appelant. One appeals panel did not even know the title of appellant's purlication in the COMPLAINT, one district bench did not even read appellant's papers, did not even know that hhe alleGed lack of valid wonership , the leGally drawn copyriGht dècument by applellant's publisher's attorney's at the time was already in the record and had to ask appellent to look for it when it was brouGht up before the bench in open court. Clearly, each court has had predisposed prejudices on appellant's pro se appearance, manifestly portrayinG the attitude that hhe professional counsel, schÐoled inmatters of law and experience in arGument anc court rpocedure must be superior to any submission to he untoÐored appellant; he bench in the District court brouGht the matter up in the courtroom, and when reminded that Leonardo da Vinci had no academic deGrees, that homas Edison had not Gone beyond the 8th Grade, the fact was dismissed with a wave of the hand, thereby openly showinG that the bench had presipsosed notions showinG outriGht prejducio and bias that infrinGe upon the riGhts of each and every individual bound to benefit from new, unfamiliar, untraidtional discoveris; in addition, the cruel cry of one judGe sayinG:GO TAKE UP SOME BRICKS. LAWYERS GOT TO LIVE", implying other do not, ruhors or others

The appelle herein on the first paSe of the Motion alleSes that "The two other aaséens involve similar attempts bp plaintiff--appellant to RELITIGATE claims of copyriSht."

How can there be any RELITIGATION when there has been NO litiSation in the first place?

The bench did not Srant appellant the riSht to litiSate the issues contended in the COMPLAINT. The bench denied the supportinS facts, denied the riSht to complete examination of the defendant-author who did not even know the direction of her own umbilical center. Appellant was in the mdist of makinS it clear the siSnficance and the value the imperative importance of the direction inherent inline in desiSn, whether for a bukldinS or a body, and the bench denied the riSht to chatify the very issue at the heart of the cppuriSht infrinSement.

Appellant asked defendant-auhor sittinS on the witness stand what the direction of the head would take when the nose is pointed to hmbilical center of the body, and the reply was that "It depended"; how could the pointed nose depend on antyhinS but the direction to which it was instructedto point towards? The facts souSht by appellant in the qeustioninS would have Siven further evidence of the total usurpation by defendants, both of them, of purloininS what they could not even understand academically.

The preducie and bias of the bench was manifestly apparent, and the defense did not have to exert any effort; he bench did all the work by not workinS at all. The victims ripple outward.

Appplee's second paSe alleSer "..res judicata". The above statements apply to said alleSation. How can there be "res jduicata" when there has been no litiSation of any kind? Of course, the answer is NONE. And aSain, appelle persistently, con sistently makes continual reference to he two other cases that have no bearinS upon the instant matter other than tha the same pattern of pro se prejddice is the underlyinS cause of deprivation of due process and the riSt of redress under the law and the Artiżel in our Constitution to promote and protect the works of authors for the wlefare of society's proSress and to not enSaSe in cruel and unusula punishement. Contraty to appelle's alleSation, there is indeed a FEDERAL QUESTION, the question of whether the innovator is to be creully and to deny society its rifht to know.

In addition to the continual reference to other copyright suits, appelle also makes continual reference to appellant's efforts before this Court to be heard on the issues. Matters do not stand still, event continue to aake place and the issues continue to remain relevant to the jurisdiction of this Court; there are FEDERAL questions involved, there are deprivation of civil rights, there are national and international siGnficance, and there is the GROSS ERROR OF OMISSION by the all the lower courts, the omission of readinG briefs, the omission of hearinG arGuments, the omission of unbiased attitudes and the omssion of equal dispensation of the law. These are errors in the courts below and contrary to appelle's alleGation that no errors were made ny them, and provide more than ample reason for this court to accept jurisdiction and to consider the questions the other courts refused to consider at all.

It is a safe presum;tion that as any memb er of any court is a member of the humans species and each subject do he laws laws of nature, this court would wish to have the new infomration concerninG their own bodies and their own welfare.

How could anyone Get to know about the siGnifcance of the anGulation of the occiput do the atlas and axis in the upper end of the vertebrae, that it is he key to the efficiency of inernal functioninGs, the key to he lift Generated by the concave curve, that it is the desiGn in the caring of the body in orGanized practical system that preserves the lift which cumulative effects of time counteract unless reprieved from its own weiGht, weiGht that is not evenly distributed when the concave curve, the aGent for even distribution is not employed? Certainly, this could never be learned from traditionally systems that use nothinG but straiGht lines and convex curves and the infringers herein disturb the inteGrity of the deisGns through lack of comprehension of the precepts upon which they are based and taken out of the series of continuation within the whole spectrum of desiGns.

How can anyone learn what was meant by appellant's answer to the scinetist at the NASA meetinG who asked the purpose of the T-in-R desiGns and the reply that hhey render the individual

independent of the environment, and that means any environment, and works just like the earth does in the solar system, the earth spinning independently around its own axis and dependently around the center, the sun, and all theplanets balanced with the system, each producing and providing inimitalbel interworkings with each other and each spinning on its own axis. This can never be done with the traditionnal methods of convex curves and straight lines and therefore, there can be no independence of the body and the body's working with the forces outside of it in complete harmony and inter-exhcanges. The concept is simple, the application is simplere; it requires diminishing effort in order to achieve the capacity results, the exact opposite of hitorical and traditional practices, still prevalane and seen in the medically dagerous jogging by all manner of human systems regardless of conditons, as well as the mechanical manipulastions, theincreasing effort by counts on a daily basis. All are contrary to the order in nature and produce the exact opposite of the self-proclaimed aims, purposes and goals.

These facts and more are self-evident in the increasing rise of humanproblems, such as the drug addiction and the over-crowding in jails everywhere.

It is not a presumption, it is a fact that appellant's original designs have had unprecedented results where traditonal systems have failed. There is need, a crying need, for some reprieve from the overload of problems in these areas of violence, within and outside o prisons.

The sphere is a matter of minimal surface with maximal volume of space; the body requires space within its sphere within its skin. With the pressure of overdrowding in prisons, the limited space within the body become that much more pressurized and deprived of space; the original designs of T-in-R enable the prisoner to increase theinternal volume of space through the engagement and employment and performance of the sphere in three-dimesion, and this has already been demonstrated in the Washington,D.C. jail; the warden at that ihat time stated he knew all there was to know about fitness and gave no consideration to the report by the prisoners of the unreard and unprecedented results of the class sessions.

Copy of said prisoners' own publication report annexed herein. Since then the problem of overcrowding has been seen to increase many-fold and the resulting violence and riots in prisons is common knowledge and in the news almost every day. Professionals are searching for solutions and answers and look for innovative programs, for adding buildings, building more jails is not the root resolution, crime increases and buidlding increases but never getting near to the very heart of the problem, which is F-R-E E D O M, freedom from the prison of one's own body weight, weight that is never lifted with the concave curve the lifting agent and without it, the unevenness of the body weight with thime imposes increasing imbalance; the concave curve is the even distribution of weight, and without its presence each and every day, internal organs experience the curshof the lack of space which the sphere provides, that minimal surface, the periphery, encircling maximal space, space to make room for the c omplementary functionings of the internal organs in their varied missions, just like the planets complement each other in their missions in the vastness of space.

Where is the responbibility and obligatin that is expected from the innovator when as appelle alleges that appellant makes continual effort o be heard on the matter if appellant does not respond to such responbility and obligation? Whatever would any memberof this Court be led to conclude at the lack of response to such ressposiblity? The smaeapplies to responsbile authority to sit in judgement of the issues; no judgement has been made on the facts and contentions by appellant in any court and the issues are both severe and serious and demand the attention of this court in this court's own responbilibey and obligation to hear the matter in the interests of the whole nation.

Appllant is in communication with the REGIONAL NATIONAL COUNCEL ON CRIME AND DELINQUENCY, the research director, Mr. Garofalo, Mr. Murphy, preident of the Police Foundatin and Mr. Giuliani, of the U.S. State Department Tattorney's Office. Annexed herein is copy of correspondence to and from said office and excerpt from its recent report; within that report is he quote that THE GREATEST NEED IS THE NEED TO KNOW.

No one can ever know the new findings in appellant's original program, TENSION-in-REPOSE, when deprived of due process.

Appelee's page 3 of the Motion papers notes that the district court "directed a verdict for the defendants-appellees" after response to special questions to the jury"; of course, everyhting was directed towards with and from the court's bias, and with the denial of supporting documents and the denial of questioning t e defendant-author, and the denial of a host of other evidence to prove appellant's contetnions and rushed through the procedures with undue harshness, and giving prejduicial misinformation to the jjry, and the denial of direct comparison to he designs from the two books, the infringing publicaion and appellant's works, the only resolution made was the response to the question of accessibility o to which there was unanimous consensus of defendants having had accesibility.

On the same page, appelle recounts the district court's allegation that appellant's efforts to be heard in Forma Pauperis were denied on the alleged grounds that he matter was "completely baseless." add patently lacking in merit".

Can any one human being know without hearing the facts and supporting evidence that such contentions are "baseless" patently lacking in merit"? Apellant was denied the means to be heard on the facts, and the facts demand the process of assimilation just like osmosis and that requires time and time was denied appellant at trial and in appeal.

Columbus's discovery of the new world from the belief that he earth is round and Galileo's finding that the earth went around the sun and not as all believed then that the sun went around the earth, these discoveries remain to this day undiscovered, and the district court's actions and denials at rial never let it be learned how Columbus' and Galieleo's wonders apply to the body as they did to the aspects of life around the body, the planet life is supported by, the earth and the sun that supplies the energy for the earth, and the design and system that generates the energy and the effects upon earth's inhabitants.

Such actions by the distric t court demolish hopes of progress for earth's inhabitant, and adds to the deprivation with demands for monies not possessed by the innovator; it [illegible] the first time an innovator is without means.

Let it be noted that the Motion before the Appeals Court on the matter of the huge 439. costs referred to by appellees, was never ruled upon though the district c ourt made it plain that appellant's objections and fact of forma pauperis in the action were denied and went unheard in said denial.

Appellees, having the power of the bench speaking for them, resort o h the same pattern of exhorting bias and predjuice by this court by making constant reference to the lower courts' actions and to the other copyright actions, as written in the footnote again on page 2 as was done onpage 1.

Really, the adversaries are formidable: skilled professional experienced counselors, lawyers, attorneys, legal fimrs, the sitting benches that refuse to read appellant's briefs, refuse to hear arguments, refuse to sbumit evidence supporting contentions, refuse to make rebuttal to dismisal, to rest he case, etc., the list is long and cruel and horrible in all itw manifstations of power against one solitary innovator witout indpendet means. It would seem that the sole defendaer of the right to know, to protect own'w own works, must make a lone stand like the boy with the finger in the dike, against heh inundation, in this matter, the inundation of formidable powers of monied defendants and their representatives and the powers of the banches with prejduice and bias against all that is humane and proper meant for soical progress in advancement as a counterpoise to the oeverwhlming forces of violence verywhere.

Appelle brings in the cheif judge's denial of appellant's right to bring new evidence, alleging that the cause of action is "identical". Well, without hearing the factw, how canany judgement be made whteher or not he cause of acton is identical and knwoing that a litigant has the right to be heard with new evidence and tobe heard on the full merits? No one can know becasue no one listened and no one heard. Again, the word "frivolous" isused, in this denial, and that reflects the attitude and pattern of other benches whose words are taken above appellant's only on the Gornd that appellant is not o be taken in as serious a vein as any lawyer or judge. That is tantamount o be very reason we had a tra party in Boston.

It is understandable that this Court is burdened with requests for attention and decisions, and that many problems are familiar and rightully deserve this Court's attention, but it is time that root facts of life and living be given equal consideration for ruling, for without giving serious thought and attention to the very roots of the issues that lookedupon as Grave in current affairs, the same Grave issues shall remain Grave until there is deeper probing, the underlying issue of every individual problem, for which there is a common support and from which there must a drawing of the well of the facts of nature that underlie all the issues of human affairs, including internaional differences.

The dedication in the original Fawcett publication of appellant's TENSION-in-REPOSE reads as follows:

"DEDICATED TO THE CAUSE OF
INCREASED HARMONY WITHIN THE
HUMAN BODY, BETWEEN LOVERS,
AND MAONG PEOPLES AND ANTIONS."

Throughout each of appellant's 8 publications, only two of which were commercially published by commercial publishers, Fawcett and Information,Inc., the rest commercially printed and published by appellant's own limited efforts, and listed in BOOKS IN PRINT, and sustainedc by their contents as there are no funds for wide promotion, there has been no assistqnce from any quarter; appellant did all the work involved, even to editing the Fawcett mansucript as no editor could be found to comprehend in order to edit; now, after more than 20 years of solitary effort, exertion and managing all facets of publishing, appelles, all ofthem, are raking in the huge profits, for the effects are as Grand as the designs themselves, and even the most inefficient instructon brings results to the purloined original designs, and appellee herein expect appellant to raise no objection to the infringeent andmake no reply to arguments submitted only makes constant reference to the actions and attitudes of the lower courts and to attempting the same bias from this Court.

On page 4, appelles allege that his appeal shoudl be dismissed or the judgement of the courtof appeals be affirmed.

The question arises, WHAT IS THER TO AFFIRM IN JUDGEMENT WHEN NO JUDGEMENT HAS BEEN MADE IN THE FIRST PLACE? No c ourt has responded to the contentions, no opinion was ever written on th4 issues, no response madeto the arguments submitted by by anyone, neither the opposition nor the lower courts. It is beneath the dignity of allthat has gone before to render into oblivion an individual's works merely for being pro se and without independent means. It is like having to hold the fort alone, the Constitution, that is first and foremost the protection of the rights of the individual and herein the rights of the appellant, the individual, indep3ndent and constructive and denied that innovation that acts as a counterpoise to the prevalent violence everywhere and the search for answers too simple for the esoteric to consider significant, yet, there is the well-known search for the underlying simplicity that binds all in the world and in theuniverse, the field of unification that Einstein sought so fervently; it was his regret that he could not turn his own works upon himself, and with T-in-R his findings that space curves in on itself, that time does also, that all that was left to c ombine with time and space ismaetieral substance, the physical colly in the patten of the solar system, the spiral of the galaxies, witin which time and space interact.

It was Einstein's statement that in thepast, philosphers believed that if material substqnce were taken away, time and space would remain, but Einstein said that space, time and material substance are inseparable, therefore, as space and time curve in on themselves, so do4s physical substance which must include the physical body. But the humand predilection is that laws of nature apply to anything bu the human being. The example is that of the dog breederin Connecticut who had an exquisite Russian Maldmud dog with gleaming whit fur large and beautiful to see in all aspects of appearance, which he said he had been reeding dogs for spped though th4 angleiation of the pelvis, and when appellant enthusiastically replied that thENSION-in-REPOSE is that original program that involves the angulalati9n of thepelvis in direct and indirect connections and interchanges with the rest of the body, he looked appalled, as though appellant has suggested something tr4mendously far-fetched.

In his sights, it was ridiculous to consider that such principles of angulation of the pelvis could apply to the pelvis of the human body as it does to the dog. Well, the human ego is overwhelming, for human intelligence is but one-minute old in Geologic time, and while th4 main adjustments have been made to he upright stance, there are still imperfections in human anatomu; the human construction is the one and only body that has a double curve, interfering with the long, continuousline of the concave c urve by having convex curvatures in thelordotic and cervidal regions. TENSION-in-REPOSE integrated those forces of nature that wrought the upright posture through the ages the millennia, the concave curve that tlits, andis plain to see in the antorlopological chart and shown in appellant's works, and included among the annexeations herein; but no one else has observed and no one has made practical application of the facts that appellant synthszied, arranging a compendium of seemingly disparate facts at large and rendered them whole and accessible.

Appellant asked doctors if they are aware of the role of the spinousprocesses in the vertevral column, that in the concave arching, the spaces vetween the vertebrae open and close when thepody assumes a convex, bending backward instead of forward. All answered yes, and asked why they did not apply the fact, there was no answer, and it is known that al l docors use traditional ystems of convex curves, bending backward and presribing "straight" line design and the will and command from the "mind" to keep the body "stright" when nature uses th4 action of thd concave curve to affect the reaction of a strightened upright body, using nothing more than theinherent properties of the curve itself; the ratio of the curve determines the properties within it. Honey and carbolic acid are made up of the same ingredients;one is a poison, the other asmooth food; the differennce inthei compisiton is that of arrangment and proportiOn of the moelvules; the principles applies to the whoe body as weal, for in bending backward, the convex design, the spine closes its apces, limitations set in and invitation to harm. In the comcave design, the spine opens its spaces and there is no limitation in movement; bthese facts were denied in court during trial by the sitting bench, and it was obvious that [illegible] publication adhered to traditional while infringing.

Appellant claims the right to be heard on the facts, andtheir merits, and each court denied said right.

These are documeted facts on the record and establish the right of appealing to this Court in a Juridictonal Statement; appelles allege on page 4 Motion papers that hhis appeal is not within the jurisdiction of this court; were that so, then the lower courts could enlarge their formidable powers to deny the right o be heard and the laws of the land would be in vain.

In the foot-note bootom of page 4, appellees allege that appellant had failed to to establish the crucial factual element.. Of course, with denials to present evidence to question def.-author, supporting documents denied for argument, pressure by the bench to end the mat er, to misinform the jury, and the long , long list of denials and prejducies, etc. appelle then bodly alleges that appellant failed to establsih copyright infringement.

Let i be noted that appellees never presented any argument on the issues and the issues were prevented to be presented in court. There is the common, prevalent belief that a human boey moves without regard to the pat erns it is movin g in, that he designs have no effect upon the workings of the body, as cited above and in aforesaid accounts by engineer who could not comprehend the application of theconcave curve to the body and the God breeder who could not remotely conceive of th4 angle of the pelvis principle applying to humanform as it does to animal form, so tnothing was taken as it was in fact becasue the facts were d3ied in court.

Appelles on page 6 allege that he questions raised as not o warrant further argument, tomove to affirm the decidion below on the gournd that he questions are insbustantial, etc.

What decsion below to affirm? None was made as appeal in Forma Pauperis was denied in the appeals couet and new evidence is denied in new action and no opinion given to the issues in the previous action. How can appelles have it all their own way? This is hardly the underlying raison d'etre of the courts and the laws of theland.

Appelles again call on the determination of the chief judge who had no facts before him, for neither did he provide any opinion

on any fact anymore than any other court did. No court resonded to he faets of the spinous processes in the reaction to initial desiGn, theopening in concave and clsoing in convex, that no system at any time in human history has ever used a concave form desiGn, that i is considered s slouch posture that is "Bad" for the body, that i rdflects the posutre of old aGe, that i is no a means of straiGhtening the body, that he anGle of the pelvis is involved in the desiGn and the pelvis is the fulcrum,etc.

Appelles dare to alleGe that there is no doubt hat 6he chief judGe is riGht in his determination; it's like sayinG that one human beinG has all the knowledGe in the world relevatn to theissues, to the new disovieries of the bod when the whole world and Nobel prizes are sɔuGht for new disocvieries of the :oyd, the most elusive of all human endeavor. Tbis is a Greá burden on the chief judGe who, had he the infomration, would assuredly not aGree with appelles that he is so riGht that he cannotr be woronG.

Appellees alleGe on paGe 6 that here is no reason to Grant anythinG, juridictional statement nor writ of ceriorari.

Appelles alleGe there is no conflict, no question, etc.

Appelles cite the fact that i is within the discretion of the Court where "special and important reasons thefɛrefor" exist, e c.

Stifle the innovator's effortsand human proGress isstilfed. Appellant was Given no due process, defendants make huGe profits on appellant's toil, ears, and huGe sacrices; this is hardly justice; unjustice is the theme that has been the springboard for establishinG a system of exertinG justice. Appellees would have this Court aid and abet injustice, to deny appeal, to deny due process, to deny the riGht to one's own works andfor social proGress.

Indeed, contrary to appellees' alleGation, therd has been huGe, mamoth deprture from the qccepted or usual course of judicial proceedinGs; they occurred throuGhout all proceedinGs, pre-trial and durinG trial. There is question of any law, state of federal, indenyinG due process, the riGht to beheard, and appellant hasnever been heard at any time on the issues.

There is inherent danger to all life to deprive the innovator without independent means of independent findings; none but hhe free can invent, and freedom is independente, and so aptly encaptured in our title of the DELCARATION OF INDEHE$IDHNG$CINDEPENDENCI

Appellant is unafiliated and retains the status, but has always cooperated with any organization seeking to add to their store of infomration and willing to make practical application. The attached examples of ceaseless efforts to bring the value of the original TENSION-in-REPOSE designs to hose professing to be intrested and utlizingthem. The results and effects have been consistent, without esception the same results repeated at will by those perdormins the original designs. No wonder defendants, allof them, took hem, but dared to name them as their own; appellant never withheld help and information, but makes strensous objection to the assutl upon theintegrity ofthe whole T-in-R program by the infringers, and so should any law-abiding Group and authority, but appellant's pro se status has been allowed to deter such proper judicial actions and opposition counsel have had an easy time of ti in allproceedings against the sole appellant without he power of money, norof influence from any quarter.

How much more harm can be meted out when all the world cries for some reprieve from idssonance and T-in-R heeds the cry with harmony within the wh9ole body. The burden must now pass along to his body of law, for appellant has not left q stone unturndd in behalf of human progress. D9c not let the usurpers have it all their own way, for the facts of truth do surface, they are as inexorable as the laws of nature upon which T-in-R is based, and when the facts of truth surface as theymust eventually, let it be said that this Court heard the plea for human welfare and justice.

CONCLUSION

The causes of action and reasons therefor are substantial and significant and demand this Court's Juridictional Statement.

Appellant respectfully rqquests that the original record be examined in addition to the submissions by appellant herein and previously, for it justifies the need to know the facts in their full merits heretofore denied at all times by all.

Dated: September 4, 1981
New York, N.Y.

Respectfully submitted,

Milicent Linden